



## II. Law and Analysis

Under Federal Rule of Civil Procedure 8(a)(2), a pleading must contain a “short and plain statement of the claim showing that the pleader is entitled to relief.” [\*Ashcroft v. Iqbal\*, 129 S.Ct. 1937, 1949 \(2009\)](#). The pleading standard Rule 8 announces does not require “detailed factual allegations,” but it demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation. [\*Id.\*](#) A pleading that offers “labels and conclusions” or “a formulaic recitation of the elements of a cause of action will not do.” [\*Id.\*](#) Nor does a complaint suffice if it tenders naked assertions devoid of further factual enhancement. [\*Id.\*](#) It must contain sufficient factual matter, accepted as true, to “state a claim to relief that is plausible on its face.” [\*Id.\*](#) A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. [\*Id.\*](#) The plausibility standard is not akin to a “probability requirement,” but it asks for more than a sheer possibility that a defendant has acted unlawfully. [\*Id.\*](#) Where a complaint pleads facts that are “merely consistent with” a defendant's liability, it “stops short of the line between possibility and plausibility of ‘entitlement to relief.’ ” [\*Id.\*](#)

Principles requiring generous construction of *pro se* pleadings are not without limits. [\*Beaudett v. City of Hampton\*, 775 F.2d 1274, 1277 \(4th Cir. 1985\)](#). A complaint must contain either direct or inferential allegations respecting all the material elements of some viable legal theory to satisfy federal notice pleading requirements. See [\*Schied v. Fanny Farmer Candy Shops, Inc.\*, 859 F.2d 434, 437 \(6th Cir. 1988\)](#). District courts are not required to conjure up questions never squarely presented to them or to construct full blown claims from sentence fragments. [\*Beaudett\*, 775 F.2d at 1278](#). To do so would "require ...[the courts] to explore exhaustively all potential claims of a *pro se* plaintiff, ... [and] would...transform the district court from its legitimate advisory role to the improper role of an advocate seeking out the strongest arguments and most successful strategies for a party." [\*Id.\*](#)

Plaintiff's Complaint does not set forth the basic elements for a [Title VII](#) action, namely:

an employer-employee relationship with Defendants, unlawful discrimination by Defendants based on Plaintiff's membership in a protected class, and exhaustion of administrative remedies. Thus, even construing his pleadings liberally, Plaintiff has simply not set forth a valid federal claim. *See, e.g., Lillard v. Shelby County Bd. of Educ.*, 76 F.3d 716 (6th Cir. 1996) (court not required to accept summary allegations or unwarranted legal conclusions in determining whether complaint states a claim for relief).

### **III. Conclusion**

Accordingly, the Motion to Dismiss is hereby granted.

IT IS SO ORDERED.

January 9, 2015  
Date

/s/ Benita Y. Pearson  
Benita Y. Pearson  
United States District Judge